

## **Title 16: Structural Pest Control Board**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Wyndham San Diego at Emerald Plaza, 400 W. Broadway, San Diego, CA, at 9:00 AM on October 7, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office no later than 5:00 PM on October 6, 2005 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 8525 of the Business and Professions Code, and to implement, interpret or make specific sections 125.9, 129, 148, 8564.5, 8593, 8616.4, 8617, 8620, and 8674, of said Code, and section 6253, Government Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### 1. Amend 1922 Civil Penalty Actions by Commissioners

Section 8617 of the Business and Professions Code currently gives county agricultural commissioners authority to levy an administrative fine against structural licensees up to \$1,000, but effective January 1, 2004, Business and Professions Code 125.9 was amended to increase that authority up to \$5,000.

As section 1922 of the California Code of Regulations was originally adopted to mirror fine authority as it related to pesticide use violations and citations on the agricultural side, the Board proposes to amend this regulation to mirror as closely as possible the new fine structure and clarify the fine ranges for serious, moderate and minor violations.

#### 2. Adopt 1923 Public Information System - Disclosure

The California Public Records Act (Government Code Section 6250 et seq.), provides the public the right to access information in the government's possession although unconditional access is not authorized as some information pertaining to complaints

and relevant investigations alleging misconduct by licensees are exempt from disclosure. Business and Professions Code section 8525 authorizes the board to adopt regulations relating to the practice of pest control and its various branches.

This proposal will require the Board to establish and maintain a public information system that will provide members of the public with information regarding complaints and disciplinary or enforcement actions against registered companies and licensees, and unlicensed persons subject to the Board's jurisdiction, to be disclosed when feasible and to the extent required or permitted by law.

### 3. Amend 1948 Fees

Business and Professions Code section 8564.5 requires that an applicant for an Applicator's license submit a prescribed fee. Section 8674 sets forth the fees imposed for the issuance of an Applicator's license and the renewal of an Applicator's license. Existing regulation does not specify a fee for that license or its renewal.

This proposal would establish a specific fee for an Applicator's license and Applicator's license renewal, and would also establish a reduced fee for the Operator's license and renewal fee so there is minimal revenue increase to the Board.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

#### Business Impact:

The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### Impact on Jobs/New Businesses:

The Structural Pest Control Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Structural Pest Control Board has determined that there is minimal cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, if a business elected to pay for the cost of the Applicator license and/or the renewal fee.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

Section 1922 will have no effect on small businesses unless that business is affected by a civil penalty action, because the proposal mirrors fine authority as it relates to pesticide use violations and citations on the agricultural side, and clarifies the fine ranges for serious, moderate and minor violations.

Section 1923 will have no effect on small businesses because the proposal adopts a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against registered companies, licensees, and unlicensed persons subject to the Board's jurisdiction.

Section 1948 will have no effect on small businesses because the proposal will impact only individuals applying for an Applicator License, unless a business elects to pay for the cost of the Applicator license and/or the renewal fee.

CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative is considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Avenue, Suite 18, Sacramento, California 95825.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

## CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Barbara Howe  
Address: 1418 Howe Avenue, Suite 18  
Sacramento, CA. 95825  
Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: Barbara\_Howe@dca.ca.gov

The backup contact person is:

Name: Susan Saylor  
Address: 1418 Howe Avenue, Suite 18  
Sacramento, CA. 95825  
Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: Susan\_Saylor@dca.ca.gov

Website Access: Materials regarding this proposal can be found at  
[www.pestboard.ca.gov](http://www.pestboard.ca.gov)